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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,428	06/30/2003	William Christopher Draper JR.	86769-0009	8076
30398	7590	06/21/2010		
ACCENTURE, LLP 555 13TH STREET NW, SUITE 600E WASHINGTON, DC 20004			EXAMINER CARDENAS NAVIA, JAIME F	
			ART UNIT 3624	PAPER NUMBER
			NOTIFICATION DATE 06/21/2010	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

dcptopatent@hhlaw.com

Office Action Summary	Application No. 10/608,428	Applicant(s) DRAPER ET AL.	
	Examiner Jaime Cardenas-Navia	Art Unit 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 41-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 41-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/07/2010</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Introduction

1. This **NON-FINAL** office action is in response to communications received on April 7, 2010. Claims 31, 32, and 34-40 have been cancelled. Claims 1-30 and 33 were previously cancelled. Claims 41-59 have been added. Claims 41-59 are currently pending.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 7, 2010 has been entered.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on April 7, 2010 has been considered by the Examiner.

Response to Arguments

4. Applicant's arguments have been fully considered by the Examiner. In particular, Applicant argues that:

Art Unit: 3624

(A) regarding independent claims 41, 50, and 59 none of the cited references teach or suggest the newly claimed subject matter; and

(B) all dependent claims are allowed based on their dependency.

Regarding arguments (A) and (B), Examiner respectfully disagrees. See art rejections below.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 41, 44, 45, 50, 53, and 54 are rejected** under 35 U.S.C. 102(e) as being anticipated by Bull (US 6,409,514 B1).

Regarding claim 41, Bull teaches a computer-implemented method for development of training for members of an organization, comprising:

receiving, via a computer system, data regarding subject matter of a course that is to be developed (col. 3, lines 24-61);

receiving, via the computer system, delivery criteria to prioritize delivery of the course, wherein the delivery criteria includes one or more of a course content (fig. 2, core classes have priority), a course media type, a student demand, an instructional style, a facilities requirement, and an equipment requirement;

Art Unit: 3624

forecasting, via the computer system, future demand for the course based on the delivery criteria (col. 3, lines 50-62);

developing, via the computer system, the course based on the delivery criteria and the forecasted future demand (col. 3, lines 24-32, 36-38, 53-57, scheduling the course, col. 4, lines 14-18, delivering the course);

providing, via the computer system, the developed course to the members of the organization (col. 4, lines 14-18, delivering the course);

collecting, via the computer system, feedback data after the developed course has been provided to the members of the organization, wherein the feedback data is related to at least one of an instructor and the course content (col. 4, lines 14-18, performance is related to instructor and course content); and

generating, by the computer system, at least one report based on one or more of the delivery criteria, the forecasted future demand, and the feedback data (col. 4, lines 14-18, performance data is feedback data).

Regarding claim 44, Bull teaches scheduling, via the computer system, the developed course to be provided to the members (col. 3, lines 24-32, 36-38, 53-57, scheduling the course).

Regarding claim 45, Bull teaches wherein scheduling the developed course further includes:

managing, by the computer system, information that includes at least one of instructor names, instructor skills, course location, course delivery method, estimated expenses for the course, course materials, and course equipment (col. 1, lines 33-47); and

Art Unit: 3624

creating, by the computer system, non-conflicting course sessions (col. 3, lines 24-32, 36-38, 53-57, scheduling the course).

Regarding claims 50, 53, and 54, they are rejected using the same art and rationale used above for rejecting claims 41, 44, and 45. This is because claims 50, 53, and 54 claim a system for performing the method of claims 41, 44, and 45.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 42 and 51 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Bull (US 6,409,514 B1), as applied above to claims 41 and 50, further in view of Simmons (WO 98/03953 A2).

Regarding claim 42, Bull does not explicitly teach wherein providing the developed course further includes at least one of:

providing, via the computer system, the developed course to the members via virtual instructor led training; and

providing, via the computer system, the developed course to the members via self-paced training.

Simmons teaches wherein providing the developed course further includes at least one of:

Art Unit: 3624

providing, via the computer system, the developed course to the members via virtual instructor led training (p. 1, lines 13-17); and

providing, via the computer system, the developed course to the members via self-paced training (p. 2, lines 6-11).

The inventions of Bull and Simmons pertain to managing and carrying out training activities. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Simmons does not teach away from or contradict Bull, but rather, teaches a step that was not addressed. The claimed invention is merely a combination of old and well-known elements, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings of Bull with the teachings of Simmons, motivated by the advantages of flexibility and choice provided by offering multiple methods for implementing the training activities.

Regarding claim 51, it is rejected using the same art and rationale used above for rejecting claim 42. This is because claim 51 claims a system for performing the method of claim 42.

9. **Claims 43, 46-48, 52, and 55-57 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Bull (US 6,409,514 B1), as applied above to claims 41 and 50, further in view of Official Notice.

Art Unit: 3624

Regarding claim 43, Bull teaches preparing, via the computer system, student certificates for distribution (col. 8, lines 7-9, course certificates).

Bull does not explicitly teach preparing, via the computer system, course materials, including at least one of ordering the course materials, initiating reproduction of the course materials, or initiating delivering of the course materials.

Official Notice is given that preparing, via the computer system, course materials, including at least one of ordering the course materials, initiating reproduction of the course materials, or initiating delivering of the course materials is old and well-known. As a matter of practicality, course materials must be prepared in order to teach a course, and the above methods are certainly old and well-known.

All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions. The claimed invention is merely a combination of old and well-known elements, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the advantage in improved course delivery and the teaching in Bull of course delivery (col. 4, lines 14-18).

Regarding claim 46, Bull teaches collecting, via the computer system, information related to at least one of a student roster and student assessments (col. 4, lines 14-18, performance data is student assessments, col. 1, lines 33-47, student roster);

storing, via the computer system, the student assessments (col. 4, lines 14-18).

Bull does not explicitly teach:

Art Unit: 3624

identifying, via the computer system, one or more of recommended facility improvements and recommended equipment improvements; and reviewing, via the computer system, the quality of instruction.

Official Notice is given that identifying facility and equipment improvements from student recommendations and reviewing instruction quality via a computer system is old and well-known. The continuous improvement of business processes through internal feedback, particularly in regards to education, is well-documented.

All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions. The claimed invention is merely a combination of old and well-known elements, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the advantage in improved course delivery and the teaching in Bull of tracking performance (col. 1, lines 33-47).

Regarding claim 47, Bull teaches:

monitoring, via the computer system, information collected while the course is developed and provided (col. 3, lines 24-32, 36-38, 53-57, scheduling the course and monitoring course offerings and enrollment, col. 4, lines 14-18, delivering the course and monitoring performance);

receiving, via the computer system, requests for training (col. 3, lines 24-32, 36-38, 53-57, workers registering for courses);

creating, via the computer system, training proposals (col. 3, lines 24-32, 36-38, 53-57, training proposals are course offerings and course sections for core courses);

Art Unit: 3624

managing, via the computer system, at least one of facilities and equipment used in the course (col. 3, lines 24-61, course sections, classrooms and equipment management);

Bull does not explicitly teach:

creating, via the computer system, cost forecasts;

defining, via the computer system, instructor certification criteria;

monitoring, via the computer system, instructor quality; and

determining, via the computer system, whether course materials can be provided to another locale.

Official Notice is given that creating cost forecasts, defining instructor certification criteria, monitoring instructor quality, and determining whether course materials can be delivered to another locale were well-known to one skilled in the art at the time of the invention. This was also admitted in Applicant's response (Arguments/Remarks section) to the Office Action dated March 18, 2009.

All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions. The claimed invention is merely a combination of old and well-known elements, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the advantage in improved course delivery.

Regarding claim 48, Bull does not explicitly teach training, via the computer system, the instructor of the course.

Art Unit: 3624

Official Notice is given that training course instructors via a computer system is old and well-known, and often required.

All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions. The claimed invention is merely a combination of old and well-known elements, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the advantage in improved course delivery.

Regarding claims 52 and 55-57, they are rejected using the same art and rationale used above for rejecting claims 43 and 46-48. This is because claims 52 and 55-57 claim a computer system for performing the method of claims 43 and 46-48.

Regarding claim 59, it is rejected using the same art and rationale used above for rejecting claim 47. This is because claim 59 claims a method performing the method of claim 47.

10. **Claims 49 and 58 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Bull (US 6,409,514 B1), as applied above to claim 41, further in view of Official Notice and Holland (*Professional Development in Technology: Catalyst for School Reform*. Association for the Advancement of Computing in Education. Journal of Technology and Teacher Education. June 22, 2001. Gale Group).

Regarding claim 49, Bull does not explicitly teach wherein training the instructor includes:

Art Unit: 3624

certifying, via the computer system, knowledge of the subject matter of the course;
certifying, via the computer system, of presentation skills related to the instructor;
and

certifying, via the computer system, of effective use of delivery mechanisms by the
instructor.

Official Notice is given that certifying instructor knowledge of course subject matter is
old and well-known, and often required.

Holland teaches wherein training the instructor includes:

certifying, via the computer system, of presentation skills related to the instructor (p. 5,
par. 5);
and

certifying, via the computer system, of effective use of delivery mechanisms by the
instructor (p. 5, par. 5).

All the claimed elements were known in the prior art and one skilled in the art could have
combined the elements as claimed by known methods with no change in their respective
functions, as Holland does not teach away from or contradict Bull, but rather, teaches a step that
was not addressed. The claimed invention is merely a combination of old and well-known
elements, and the combination would have yielded predictable results to one of ordinary skill in
the art at the time of the invention. Thus, it would have been obvious to combine the teachings
of Holland with the teachings of Bull and Official Notice, motivated by the desire to improve
and ensure the quality of the training activities.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaime Cardenas-Navia whose telephone number is (571)270-1525. The examiner can normally be reached on Mon-Fri, 10:30AM - 7:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571) 272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. C./
Examiner, Art Unit 3624
June 16, 2010

/Romain Jeanty/
Primary Examiner, Art Unit 3624